

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID BUSH et al.	:	
	:	NO. 07-4936
vs	:	
	:	CIVIL ACTION
S. C. ADAMS; et al	:	

**MEMORANDUM OF LAW IN SUPPORT OF THE PLAINTIFFS' MOTION TO
ENLARGE THE TIME TO REPLY TO DEFENDANTS' HILL, TRIPP AND IGNATZ'S
SUMMARY JUDGMENT MOTION**

FACTS

Before the Court is a motion for summary judgment that is brought by Defendants Hill, Tripp and Ignatz (Members of the Pennsylvania State Police). Movant are the Plaintiffs, who pursuant to Rule 6¹ of the Federal Rules of Civil Procedure move to enlarge the time to file an Opposition Response, Memorandum and supporting Exhibits to the pending Defendants motion.

ARGUMENT

This is a First and Fourteenth amendment civil rights action that asserts a Retaliation claim for First Amendment Free Speech and Petition Cause activity, Interference with Family relations, and Equal protection of Law. On August 11, 2010 Defendants Hill, Trip and Ignatz moved for summary judgment. Plaintiffs under the time

¹ Rule 6(b) of the Federal Rules of Civil Procedure provides in pertinent part, that when by these rules or by a notice given thereunder or by order of the court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefore is made before the expiration of the period originally prescribed ...”.

provide under Rule of Court have until August 28, 2010 to file a response. However, Plaintiffs' counsel is on vacation from August 25, 2010 until September 4, 2010.

Plaintiffs' counsel is also committed between August 19, 2010 and August 24, 2010 to complete discovery (hold depositions) in other civil rights action and appear in attend hearings in various courts and agencies.

To file an opposition, and present a Statement of Fact that present the disputed material facts, requires significant effort to marshal deposition transcripts, documents, and obtain a Declaration from Police Chief Martin Duffy. Opposing Counsel has been contacted for consent and concurrence to Plaintiffs being granted additional time to file their opposition response. Opposing Counsel does not object to the request and graciously concurs in a grant of additional time to the Plaintiffs to file an opposition response to the pending Defendant Motion for Summary Judgment.

Federal Rule of Civil Procedure, Rule 6, provides that if the time to file has not expired, the court upon a showing of good cause has discretion to grant an enlargement of the time for a Party to do an act required by the Rules of Civil Procedure or Court Order. The time to file the opposition has not expired. Plaintiffs submit good cause exists to enlarge the time. Additionally, no prejudice result to any party by enlarging the time for the Plaintiff to file an opposition response to the Defendants' Motion for Summary Judgment, nor will the additional time delay the trial.

CONCLUSION

For the foregoing argument, authority cited, and supporting facts, Plaintiffs submit that good cause exists for the relief requested.

Date: 8/18/10

LAW OFFICES OF BRIAN PURICELLI

BY: BMP3198 /s/
Brian M. Puricelli, Esquire

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DAVID BUSH et al.	:	CIVIL ACTION
	:	
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	:	
S. C. ADAMS; et al	:	

**PLAINTIFFS' UNOPPOSED MOTION TO ENLARGE THE TIME TO FILE An
OPPOSITION RESPONSE TO DEFENDANTS HILL, TRIPP ANDIGNATZ'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff moves pursuant to Federal civil procedural Rule 5 to enlarge the time to file an opposition response to the Defendants Hill, Tripp and Ignatz's Motion for Summary Judgment, and says in support the following:

1. This is a First and Fourteenth amendment civil rights action that asserts a Retaliation claim for First Amendment Free Speech and Petition Cause activity, association (Interference with Family Relations), and Equal protection of Law. Complaint ¶¶47, and 8 "a," "b," and "e".
2. On August 11, 2010 Defendants Hill, Trip and Ignatz moved for summary judgment.
3. Plaintiffs under the time provide under Rule of Court have until August 28, 2010 to file a response.
4. Plaintiffs' counsel is on vacation from August 25, 2010 until September 4, 2010. Plaintiffs' counsel is also committed between August 19, 2010 and August 24, 2010 to complete discovery (hold depositions) in other civil rights action and appear in attend hearings in various courts and agencies.

5. To file an opposition, and present a Statement of Fact that present the disputed material facts, requires significant effort to marshal deposition transcripts, documents, and obtain a Declaration from Police Chief Martin Duffy.

6. Opposing Counsel has been contacted for consent and concurrence to Plaintiffs being granted additional time to file their opposition response. Opposing Counsel does not object or oppose the request, and graciously concurs in a grant of additional time to the Plaintiffs to file an opposition response to the pending Defendant Motion for Summary Judgment.

7. Federal Rule of Civil Procedure, Rule 6, provides that if the time to file has not expired, the court upon a showing of good cause has discretion to grant an enlargement of the time for a Party to do an act required by the Rules of Civil Procedure or Court Order.

8. The time to file the opposition has not expired.

9. Plaintiffs submit good cause exists to enlarge the time.

10. No prejudice result to any party by enlarging the time for the Plaintiff to file an opposition response to the Defendants' Motion for Summary Judgment, nor will the additional time delay the trial.

WHEREFORE, Plaintiffs respectfully request until October 1, 2010 to file an Opposition response to Defendant Hill, Tripp and Ignatz's Motion for summary Judgment.

DATE: August 18, 2010 Wednesday

Respectfully submitted,

_____/s/
Brian M. Puricelli

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ORDER

AND NOW, this day of , 2010, upon consideration of the Plaintiffs' motion to enlarge the time to file an opposition response to Defendants Tripp, Hill and Ignatz's Motion for Summary Judgment, and the time to file the response having not expired and good cause existing, **IT IS ORDERED** that the motion is **GRANTED** and the Plaintiff shall have until October 1, 2010 to file an opposition response and supporting evidence to Defendants Hill, Tripp and Ignatz's pending Motion for Summary Judgment.

BY THE COURT:

Hon. Mary A. McLaughlin J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Plaintiffs' motion to enlarge time to reply to Defendants motion to dismiss . . . which has been electronically filed and is available for viewing and downloading from the ECF system at

<https://ecf.paed.uscourts.gov/>.

Served were:

Randy Henzes, AAG
Pennsylvania Attorney General's Office
21 South 12th Street
Philadelphia PA 19107
Counsel for the PSP Defendants

Date: 18 August 2010 Wednesday

Law Offices of Brian Puricelli

BY: BMP3198 /s/

Brian M. Puricelli

Brian M. Puricelli, Esquire